



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

City of Kings Mountain
ATTN: Mr. Ricky Duncan, Director
Water Resources Department
P.O. Box 429
Kings Mountain, North Carolina 28086
rickyd@cityofkm.com

Re: Information Request
Kings Mountain, Cleveland County, North Carolina, NPDES Permit No. NC0020737

Dear Mr. Duncan:

The purpose of this letter is to inform the City of Kings Mountain that, as a result of an investigation of certain employees of Cormetech, Inc. (a Significant Industrial User of the City's publicly owned treatment works (POTW)), the U.S. Environmental Protection Agency Region 4 is currently investigating the City's POTW located in Kings Mountain, Cleveland County, North Carolina, for compliance with the requirements of Sections 301, 307(d) and 402 of the Clean Water Act (CWA), 33 U.S.C. §§ 1311, 1317(d) and 1342; the regulations promulgated thereunder at 40 C.F.R. Part 403; the corresponding North Carolina pretreatment regulations; and National Pollution Discharge Elimination System (NPDES) Permit No. NC0020737 issued by North Carolina.

The EPA hereby requests that the City of Kings Mountain provide the information set forth in Enclosure A within seven (7) business days of your receipt of this letter.

If the City of Kings Mountain believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

All information submitted in response to this information request must be accompanied by the following certification that is signed by a duly authorized official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The City of Kings Mountain’s response should be submitted electronically to Mr. David R. Phillips at phillips.david@epa.gov and the inked certification with a hard copy of the response should be mailed to:

Mr. David R. Phillips
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

Please be aware that the EPA may use information in the response to this information request in any enforcement proceeding related to this matter.

The EPA appreciates your prompt attention to this matter. Should you have any questions regarding this letter, please contact Mr. Phillips at (404) 562-9773. Legal inquiries should be directed to Mr. Tyler Sniff, Associate Regional Counsel, at (404) 562-9499.

Sincerely,

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Michael J. Montebello, Pretreatment Coordinator, NC Department of Environmental Quality
Karen Tucker, City of Kings Mountain, City Clerk
Richelle Meek, City of Kings Mountain, Program Manager

ENCLOSURE A

INFORMATION REQUEST PURSUANT TO THE CLEAN WATER ACT

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the Question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the Question and subpart of the Question to which they are responsive.
5. In answering each Information Request Question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information unknown or unavailable to you as of the date of your submission of a response to this Information Request should later become known or available to you, then you must supplement your response to the EPA. If you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, then you must notify the EPA as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Question, you must respond to the Question by providing the information in writing.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained and their contact information.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question or who may be able to provide additional responsive documents, then identify such persons, their contact information, and the additional information or documents that they may have.
11. The EPA requests that all documents provided in an electronic format be compatible with pdf.
12. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.

13. If any Question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, then provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “Identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term “Identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term “Identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “publicly owned treatment works” or “POTW” means the POTW and its associated devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes, as defined in 40 C.F.R. § 403.3(q), owned and/or operated by the City of Kings Mountain located in Kings Mountain, Cleveland County, North Carolina.
8. The term “wastewater treatment plant” or “WWTP” means the portion of the POTW known as “Pilot Creek WWTP” owned and/or operated by the City of Kings Mountain and located at 200 Potts Creek Road in Kings Mountain, Cleveland County, North Carolina.
9. The term “You” and “Your” shall mean the City of Kings Mountain.
10. The term “Permit” shall mean National Pollution Discharge Elimination System (NPDES) Permit No. NC0020737 issued to the Facility by the State of North Carolina.
11. “Cormetech” means Cormetech Incorporated, a categorical industrial user located at 304 Linwood Drive in Kings Mountain, Cleveland County, North Carolina.

Questions

1. Based on an evaluation of the self-reported monitoring by Cormetech, Your independent monitoring of Cormetech, and other relevant compliance records, provide a spreadsheet (MS Excel-compatible) of any actual and/or potential non-compliance by Cormetech with applicable 40 C.F.R. Part 403 and 40 C.F.R. Part 433 pretreatment standards and requirements from January 1, 2015 to the present, whether imposed by a user permit, local limit, or enforcement order.
 - a. Include in the spreadsheet the pollutant parameter, the limitation, the period, and the units (e.g., monthly average or daily maximum arsenic and/or chloride, 100 lb/day or 100 mg/L), the analytical result and units, and which party sampled (i.e., You or Cormetech), and whether Cormetech self-reported the non-compliance.
 - b. If the non-compliance was with a narrative permit requirement, then please include the date of non-compliance, whether Cormetech self-reported the non-compliance, and reference the requirement.
 - c. For any non-compliance, also include in the spreadsheet whether the non-compliance qualified as Significant Non-Compliance as defined by 40 C.F.R. § 403.8(f)(2)(viii).
 - d. If any non-compliance event in the spreadsheet was specifically cited in an enforcement action or notice taken by You, then please reference the action in the spreadsheet and provide a copy of the action or notice with the response to Question 3 below.
2. For any instances of non-compliance by Cormetech with pretreatment limitations identified in Question 1 above, provide the corresponding self-monitoring report that Cormetech certified and submitted to You. If You collected the sample, then provide the laboratory analytical summary report that You received indicating the methods and results.
3. Provide full copies of any correspondence between You and Cormetech from January 1, 2015 to the present pertaining to non-compliance by Cormetech with its pretreatment permit, with local limits, or a return to compliance. This request includes, but is not limited to, records of any enforcement notices or orders, reports required by orders, or closure of orders. If penalties were required, then include the record of payment with the corresponding enforcement record or denote it was not paid.
4. Provide a copy of any public notice You made pertaining to Significant Non-Compliance by Cormetech with its pretreatment permit and/or local limits, including evidence of its publication location and date.
5. Provide full copies of permit applications that Cormetech submitted to You for pretreatment permits that You have issued to Cormetech with effective dates from January 1, 2015 to the present.
6. Provide full copies of the final pretreatment permits that You have issued to Cormetech with effective dates from January 1, 2015 to the present. Please include any corresponding City records explaining the calculation or inclusion of the specific limitations and requirements in the permits.

7. Provide full copies of the Enforcement Response Plan(s) authorized by 40 C.F.R. § 403.8(f)(5) that You employed from January 1, 2015 to the present, and include corresponding evidence of NCDEQ approval(s) incorporating the Plan(s) into Your authorized pretreatment program.
8. From January 1, 2015 to the present, has Your POTW (sewers, mains, treatment) experienced any operation or maintenance difficulties, treatment disruption and/or interference, or NPDES non-compliance or near-misses, which the POTW may attribute, either directly or indirectly, to the discharge contributed by Cormetech? If so, please explain.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). Method and time of asserting business confidentiality claim. A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.